

United States Bankruptcy Court for the Southern District of Texas

Name of Debtor: CN Corpus Christi LLC

Case Number: 22-90272

## For Court Use Only

Claim Number: 0000010057

File Date: 11/12/2022 12:00:20

## Proof of Claim (Official Form 410)

Read the instructions before filling out this form. This form is for making a claim for payment in a bankruptcy case. With the exception of 503(b)(9), do not use this form to make a request for payment of an administrative expense. Make such a request according to 11 U.S.C. § 503.

Filers must leave out or redact information that is entitled to privacy on this form or on any attached documents. Attach redacted copies of any documents that support the claim, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, judgments, mortgages, and security agreements. Do not send original documents; they may be destroyed after scanning. If the documents are not available, explain in an attachment.

A person who files a fraudulent claim could be fined up to \$500,000, imprisoned for up to 5 years, or both. 18 U.S.C. §§ 152, 157, and 3571.

Fill in all the information about the claim as of the date the case was filed. That date is on the notice of bankruptcy (Form 309) that you received.

04/22

## Part 1: Identify the Claim

## 1. Who is the current creditor?

Name of the current creditor (the person or entity to be paid for this claim): Corpus Christi Energy Park, LLC

Other names the creditor used with the debtor:

## 2. Has this claim been acquired from someone else?



No



Yes.

From whom?

## 3. Where should notices and payments to the creditor be sent? Federal Rule of Bankruptcy Procedure (FRBP) 2002(g)

## Where should notices to the creditor be sent?

Name Corpus Christi Energy Park, LLC

Address c/o Mark A. Castillo

901 Main St., Ste. 5500

City Dallas

State TX ZIP Code 75219

Country (if International):

Phone: 214-855-3000

Email: markcastillo@ccsb.com

## Where should payments to the creditor be sent? (if different)

Name Steve Quisenberry, CEO

Address 3838 Oak Lawn Ave.

Ste. 1000

City Dallas

State TX ZIP Code 75219

Country (if International):

Phone: 214-855-3000

Email: steveq@bootstrap-energy.com

## 4. Does this claim amend one already filed?



No



Yes.

Claim number on court claims register (if known)

Filed on

MM / DD / YYYY

## 5. Do you know if anyone else has filed a proof of claim for this claim?



No



Yes.

Who made the earlier filing?

**Part 2: Give Information About the Claim as of the Date the Case Was Filed****6. Do you have any number you use to identify the debtor?**☒ No☐ Yes.

Last 4 digits of the debtor's account or any number you use to identify the debtor:

\_\_\_\_ \_

**7. How much is the claim?**

\$ 14,906,026.00 unliquidated

**Does this amount include interest or other charges?**☒ No☐ Yes. Attach statement itemizing interest, fees, expenses, or other charges required by Bankruptcy Rule 3001(c)(2)(A).**8. What is the basis of the claim?**

Examples: Goods sold, money loaned, lease, services performed, personal injury or wrongful death, or credit card. Attach redacted copies of any documents supporting the claim required by Bankruptcy Rule 3001(c). Limit disclosing information that is entitled to privacy, such as health care information.

Contract/Executory Contract

**9. Is all or part of the claim secured?**☒ No☐ Yes. The claim is secured by a lien on property.**Nature of property:**☐ Real estate. If the claim is secured by the debtor's principal residence, file a *Mortgage Proof of Claim Attachment* (official Form 410-A) with this *Proof of Claim*.☐ Motor vehicle☐ Other. Describe: \_\_\_\_\_**Basis for perfection:**

Attach redacted copies of documents, if any, that show evidence of perfection of security interest (for example, a mortgage, lien, certificate of title, financing statement, or other document that shows the lien has been filed or recorded.)

**Value of property:** \$ \_\_\_\_\_**Amount of the claim that is secured:** \$ \_\_\_\_\_**Amount of the claim that is unsecured:** \$ \_\_\_\_\_

(The sum of the secured and unsecured amounts should match the amount in line 7.)

**Amount necessary to cure any default as of the date of the petition:** \$ \_\_\_\_\_**Annual Interest Rate** (when case was filed) \_\_\_\_\_%☐ Fixed ☐ Variable**10. Is this claim based on a lease?**☒ No☐ Yes. **Amount necessary to cure any default as of the date of petition.**

\$ \_\_\_\_\_

**11. Is this claim subject to a right of setoff?**☒ No☐ Yes. Identify the property: \_\_\_\_\_**12. Is all or part of the claim entitled to priority under 11 U.S.C. § 507(a)?**☒ No☐ Yes. *Check one:*☐ Domestic support obligations (including alimony and child support) under 11 U.S.C. § 507(a)(1)(A) or (a)(1)(B).☐ Up to \$3,350\* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use. 11 U.S.C. § 507(a)(7).☐ Wages, salaries, or commissions (up to \$15,150\*) earned within 180 days before the bankruptcy petition is filed or the debtor's business ends, whichever is earlier. 11 U.S.C. § 507(a)(4).☐ Taxes or penalties owed to governmental units. 11 U.S.C. § 507(a)(8).☐ Contributions to an employee benefit plan. 11 U.S.C. § 507(a)(5).☐ Other. Specify subsection of 11 U.S.C. § 507 (a) (\_\_\_\_\_) that applies.

\* Amounts are subject to adjustment on 4/01/25 and every 3 years after that for cases begun on or after the date of adjustment.

A claim may be partly priority and partly nonpriority. For example, in some categories, the law limits the amount entitled to priority.

**Amount entitled to priority**

\$ \_\_\_\_\_

\$ \_\_\_\_\_

\$ \_\_\_\_\_

\$ \_\_\_\_\_

\$ \_\_\_\_\_

\$ \_\_\_\_\_

**13. Does this claim qualify as an Administrative Expense under 11 U.S.C. § 503(b)(9)?**☒ No☐ Yes. **Amount that qualifies as an Administrative Expense under 11 U.S.C. § 503(b)(9):** \$ \_\_\_\_\_

The person completing this proof of claim must sign and date it. FRBP 9011(b).

If you file this claim electronically, FRBP 5005(a)(2) authorizes courts to establish local rules specifying what a signature is.

A person who files a fraudulent claim could be fined up to \$500,000, imprisoned for up to 5 years, or both. 18 U.S.C. §§ 152, 157, and 3571.

Check the appropriate box:

- ☒ I am the creditor.
- ☐ I am the creditor's attorney or authorized agent.
- ☐ I am the trustee, or the debtor, or their authorized agent. Bankruptcy Rule 3004.
- ☐ I am a guarantor, surety, endorser, or other co-debtor. Bankruptcy Rule 3005.

I understand that an authorized signature on this *Proof of Claim* serves as an acknowledgment that when calculating the amount of the claim, the creditor gave the debtor credit for any payments received toward the debt.

I have examined the information in this *Proof of Claim* and have a reasonable belief that the information is true and correct.

I declare under penalty of perjury that the foregoing is true and correct.

Steve Quisenberry 11/12/2022 12:00:20  
Signature Date

Provide the name and contact information of the person completing and signing this claim:

Name Steve Quisenberry, CEO  
Address 3838 Oak Lawn Ave., Ste. 1000  
City Dallas  
State TX Zip 75219  
Country (in international)  
Phone 214-855-3000  
Email steveq@bootstrap-energy.com

**Corpus Christi Energy Park, LLC Claim Summary**

DB Contract Price:	\$24,250,000
Change Order 1 (5/10/22):	\$1,463,494.00
Change Order 2 (9/22/22):	\$216,629.00
Milestone Payment 1:	(\$10,377,000)
Change Order 1 NTP Payment:	<u>(\$647,097.00)</u>
Pre-Petition Contract Balance:	\$14,906,026.00*

\*This balance does not include additional damages for winddown or remobilization of the project in the event of termination or rejection, all of which are reserved.

**Supporting documents\*\***

1. Design-Build Contract (“Agreement between Owner and Design-Builder – Lump Sum”), dated March 16, 2022 (the “DB Contract”);
2. Change Order #1 to DB Contract, dated May 10, 2022;
3. Proposed Change Order #2 to DB Contract, dated September 22, 2022; and
4. Various invoices, correspondence and contractual notices including notices of default, of work stoppages, and intent to terminate DB Contract.

\*\*The supporting documents contain information subject to non-disclosure agreements or which is otherwise considered confidential and proprietary, trade secret information of Corpus Christi Energy Park, LLC. Any party seeking to obtain these documents should contact counsel for Corpus Christi Energy Park, LLC to confer on their production:

Mark A. Castillo  
Robert C. Rowe  
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& BLUMENTHAL, L.L.P.**  
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***Bankruptcy counsel for Corpus Christi Energy Park LLC***